

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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DR. ALAN KHIGER,

Plaintiff,

v.

STATE OF NEVADA, et al.,

Defendants.

Case No. 2:14-cv-00512-LDG-PAL

ORDER

Before the court is Defendants Bank of America, Dr. Zev Langstein and Dex Media Inc.'s Joint Status Report (Dkt. #34) filed May 2, 2014. In the status report, Defendants Bank of America, Dr. Zev Langstein, and Dex Media, Inc. ("Defendants") request that the court issue a scheduling order setting deadlines for Dex Media and the remaining Defendants, to the extent they have been served, to respond to the Amended Complaint (Dkt. #12) and set forth any other required deadlines. They further request that the court stay discovery until after the Motions to Dismiss (Dkt. ##27, 29, 42, 44) are decided. Plaintiff has not responded to Defendants' request, and the time for filing a response has expired.

This case was initially filed in the United States District Court for the Southern District of New York (Dkt. #1). It was transferred from the Southern District of New York to the Eastern District of New York. In a Memorandum and Order (Dkt. #5) entered November 12, 2013, District Judge William F. Kuntz reviewed the pro se complaint and found that Plaintiff had not established the federal court had diversity jurisdiction over the claims in the complaint. Plaintiff was therefore ordered to file an amended complaint within thirty days that complied with Rule 8 of the Federal Rules of Civil Procedure and stated the basis for federal jurisdiction as well as a short, plain statement of claim against each named defendant. After one or more extensions, an Amended Complaint (Dkt. #12) was filed January 22, 2014.

1 Judge Kuntz entered an Order to Show Cause (Dkt. #18) on February 20, 2014, requiring
2 Plaintiff to show cause why this case should not be transferred to the United States District Court
3 for the District of Nevada as all of the Defendants reside here. On April 3, 2014, Judge Kuntz
4 entered an Order (Dkt. #22) transferring this case to this district. Defendant Zev Langstein, Bank
5 of America, R.H. Donnelley, Inc., and Paul Padda have all responded to the complaint by filing
6 Motions to Dismiss (Dkt. ##27, 29, 42, 44). Defendants State of Nevada, Yvette Nissen, Albert
7 Torres, Paul Andres, and Las Vegas Metropolitan Police Department four officers named "John
8 Doe" have not yet made an appearance.

9 A review of the docket indicates that Defendant DEX Internet Company has not yet filed
10 an answer or other responsive pleading. The status report advises the court that Judge Kuntz
11 requires pre-trial motion conference letters to be filed as a pre-requisite to filing a motion to
12 dismiss which effectively stayed the time for a defendant to file a formal response to the
13 complaint. Judge Kuntz set the case for a pre-motion conference for March 7, 2014, but
14 transferred this case prior to the hearing. Given the unique procedural posture of this case at the
15 time it was transferred, the Defendants filing this joint status report request that the court issue a
16 scheduling order setting a deadline for Dex Media and the remaining Defendants who have been
17 served to respond to the amended complaint. The Defendants filing this joint status report also
18 request that the court stay discovery until the motions to dismiss are decided.

19 On June 26, 2014, the court entered a standard discovery plan and scheduling order when
20 the parties had not submitted one in compliance with LR 26-1(e). The court has now had the
21 opportunity to preliminarily review the motions to dismiss under submission to the district judge.
22 All of the motions to dismiss raise subject-matter jurisdiction issues in addition to various other
23 bases for seeking dismissal. Plaintiff's amended complaint involves numerous allegations of
24 wrongdoing by the multiple Defendants he is attempting to sue. The complaint allegations do
25 not appear to be related, and it appears that Plaintiff is simply combining all of his claims against
26 these Defendants in a single action. Under these circumstances, the court will grant the
27 Defendants' request that the court stay discovery until the motions to dismiss are decided.

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